

Serial No. 10/069,732

ASA-1074

Amendment

Response to Final Office Action mailed August 25, 2008

**RECEIVED
CENTRAL FAX CENTER****AMENDMENTS TO THE CLAIMS****JAN 26 2009**

This listing of claims will replace all prior versions and listing of claims in the application.

LISTING OF CLAIMS:

1.-17. (Canceled)

18. (Previously Presented) An information recording and reproducing apparatus for recording information by forming an information pit determined by a magnetic domain on a track in a magnetic recording disk, said information pit being formed by applying a magnetic recording field and heating a certain portion of the track, comprising:

means for heating the information pit by generating a heated area on the track; a magnetic head for applying the magnetic field to the information pit and for sensing the information pit on the track; a swing arm for holding and positioning the magnetic head to desired portions on the track; and

said magnetic head including a magnetic flux detecting means, means for controlling an orientation of a shape of the heated area with respect to the track according to a radial position on the disk so that the orientation is coincident with a longitudinal direction of the magnetic flux detecting means according to the track.

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19. (Currently Amended) An information recording and reproducing recording/reproducing-apparatus according to claim 18, further comprising:
a second swing arm for holding and positioning the means for heating the information pit to a predetermined portion on the track.

20. (Currently Amended) An information recording and reproducing recording/reproducing-apparatus according to claim 18, wherein said means for heating the information pit further comprises:

an optical device for forming a light spot on the track.

21. (Currently Amended) An information recording and reproducing recording/reproducing-apparatus according to claim 19, wherein a distance between a rotational axis of the swing arm and a rotational axis of the disk and a distance between a rotational axis of the second swing arm and the rotational axis of the disk is substantially the same, and

a distance between the magnetic flux detecting means and the rotational axis of the swing arm and a distance between the means for heating the information pit and the rotational axis of the second swing arm is substantially the same.

22. – 23. (Canceled)